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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.
DAVID INIGUEZ,

Defendant.

Criminal No. CR 07-0278 MAG

**~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
AND TO EXCLUDE TIME FROM
JANUARY 27, 2009, TO APRIL 14, 2009**

The parties appeared before the Honorable Elizabeth D. Laporte on January 27, 2009. At that time, the parties agreed to continue the matter to March 31, 2009, and to exclude time to allow defendant time to review his avenues for administrative appeal. The government hereby requests that the status appearance now scheduled for March 31, 2009, be continued to April 14, 2009, or as soon thereafter as the matter may be heard. The reason for the continuance is that government counsel will be out of state on the current date and will be unavailable. Counsel for both parties agrees as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §

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3161(b), from January 27, 2009 to April 14, 2009, in light of the need for both effective preparation of counsel and continuity of counsel. The defendant needs to look into any possible avenues of appeal and to ensure he's exhausted his administrative remedies in his civil proceeding. Moreover, government counsel will be unavailable on March 31, 2009. Failure to grant the requested continuance would unreasonably deny defense counsel and government counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the defendant's wish to obtain resolution on administrative proceedings with the Social Security Administration.

2. Given these circumstances, the Court finds that the ends of justice served by excluding the period from January 27, 2009 to April 14, 2009 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from January 27, 2009 to April 14, 2009 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 03/24/09

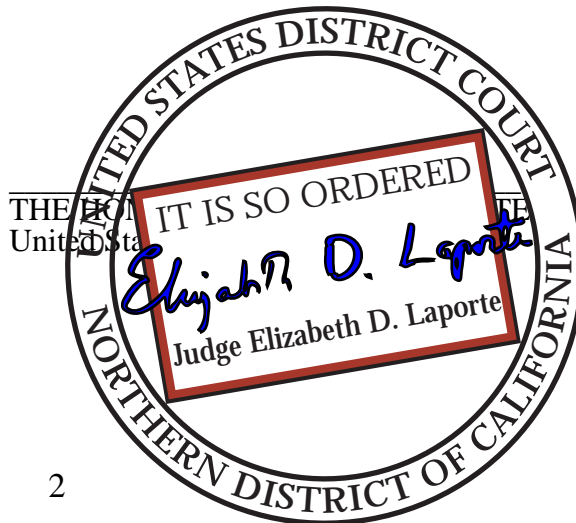
/s/
JODI LINKER
Counsel for David Iniguez

DATED: 03/24/09

/s/
WENDY THOMAS
Special Assistant U.S. Attorney

IT IS SO ORDERED.

DATED: March 26, 2009



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